

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
DISTRICT COURT OF GUAM
MAY 1 - 2 2006 *BN*
MARY L.M. MORAN
CLERK OF COURT

HAIM HABIB,

Plaintiff - Appellant,

V.

WILLIAM C. BISCHOFF; et al.,

Defendants - Appellees.

No. 00-17103

D.C. No. CV-99-00095-JSU

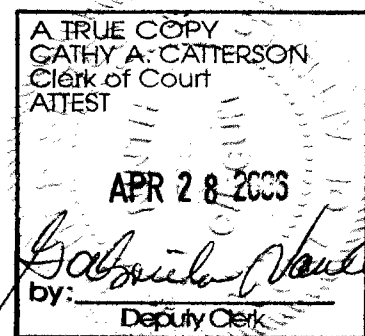
JUDGMENT

Appeal from the United States District Court for the District Of Guam
(Hagatna).

This cause came on to be heard on the Transcript of the Record from the
United States District Court for the District Of Guam (Hagatna) and was duly
submitted.

On consideration whereof, it is now here ordered and adjudged by this
Court, that the judgment of the said District Court in this cause be, and hereby is
AFFIRMED.

Filed and entered 08/28/01



DOCKETED
NOT FOR PUBLICATION

FILED

AUG 28 2001

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUITCATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

HAIM HABIB,

Plaintiff-Appellant,

v.

JOSEPH M. CRUZ; et al.,

Defendants-Appellees.

No. 00-17103

D.C. No. CV-99-00095-JSU

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
John S. Unpingco, District Judge, Presiding

Submitted August 13, 2001**

Before: HAWKINS, TASHIMA, and GOULD, Circuit Judges.

Haim Habib appeals pro se the district court's judgment dismissing his 42 U.S.C. § 1983 claim alleging that he was denied due process and equal protection

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

** Because the panel unanimously finds this case suitable for decision without oral argument, *see* Fed. R. App. P. 34(a)(2), all motions for oral argument are denied.

when the Superior Court of Guam ordered him to return attorney fees and subsequently enforced that judgment. Habib also appeals the district court's award of sanctions pursuant to Fed. R. Civ. P. 11 to defendants Cruz, Bischoff and Braley. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo dismissals under Fed. R. Civ. P. 12(b)(6) for failure to state a claim, *Kimes v. Stone*, 84 F.3d 1121, 1126 (9th Cir. 1996), and we review for abuse of discretion Rule 11 sanctions, *Buster v. Griesen*, 104 F.3d 1186, 1189 (9th Cir. 1997). We affirm.

Dismissal was proper under the *Rooker-Feldman* doctrine because Habib's complaint sought review of issues previously litigated in Guam Superior Court, see *Worldwide Church of God v. McNair*, 805 F.2d 888, 891-92 (9th Cir. 1986), and also raised federal constitutional claims "inextricably intertwined" with that previous judgment. See *Doe & Assocs. v. Napolitano*, 252 F.3d 1026, 1029 (9th Cir. 2001). The district court did not abuse its discretion by awarding Rule 11 sanctions, see *Blue v. City of Los Angeles*, 120 F.3d 982, 985 (9th Cir. 1997); although defendants Bischoff and Braley simultaneously served and filed their amended motion for sanctions, they properly served their original motion for sanctions at least 21 days prior to filing. See *Barber v. Miller*, 146 F.3d 707, 710 (9th Cir. 1998). In addition, defendant Cruz's identical motion for Rule 11

sanctions was filed in compliance with the rule, providing Habib with an opportunity to withdraw his amended complaint and to take advantage of Fed. R. Civ. P. 11's "safe harbor" provision in order to escape sanctions. *See id.*

Bischoff and Braley's motion for sanctions pursuant to Fed. R. App. P. 38 is denied without prejudice to renewal.

AFFIRMED.

